

REMARKS

Claims 1-25 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

- I. Claims 1-9, drawn to a method in a data processing system for managing interrupts using a set of interrupt servers associated with presentation controllers, allegedly classified in class 710, subclass 48.
- II. Claims 10-25, drawn to a system, data processing system, and computer program product for managing interrupts using a set of presentation controllers, managing interrupts using a set of interrupt servers associated with presentation controllers, and for managing interrupts using a set of interrupt servers associated with presentation controllers respectively. Each is allegedly classified in class 710, subclass 260.

In response to the Restriction Requirement, Applicant elects invention II, claims 10-25, with traverse.

For restrictions to be proper, the Examiner must apply a two-pronged test. First, the inventions must be distinct. Second, the existence of multiple allegedly distinct inventions must present an undue burden on the Examiner. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP §803.

Applicants respectfully disagree with the classification of the alleged inventions. Class 710 is defined as ELECTRICAL COMPUTERS AND DIGITAL DATA PROCESSING SYSTEMS: INPUT/OUTPUT. Subclass 260 is defined as Interrupt Processing. The definition of class 710, subclass 260 states "Subject matter comprising means or steps for stopping, halting, or suspending a current processing function within a computer or digital data processing system." Subclass 48 is defined as Input/Output interrupting.

The definition of subclass 48 states, "Subject matter further comprising means or steps for servicing requests for access from the peripheral by suspending processing being performed by the digital data processing system or computer and then granting access to the requesting peripheral." Applicants assert that both of the alleged inventions should be classified in class 710, subclass 260 because each alleged invention and corresponding claims are for managing

interrupts. Even if the classification were proper, subclass 48 would be included in an exhaustive search of both inventions because both subclasses involve interrupts. Because the alleged inventions may be classified in the same class and subclass(es), the inventions have not acquired a separate status in the art and restriction is not proper.

Interrupts are defined in the application as an input/output transaction between a processor and a peripheral device connected to the processor. A peripheral device is one that is external to the CPU and main memory, as a result any mouse, keyboard, printer, monitor, disk drive, scanner can be considered a peripheral or external device because it is external to the processor. As a result, the process claims do not disclose that they "can be practiced by another materially different apparatus" MPEP § 806.05(e) because an interrupt by definition comes from a peripheral or external device.

Examiner has not met the burden of proof of showing a distinct invention by citing an apparatus such as a "data processing system comprising a processor with sequential program control to interface an external device for receiving interrupts", classified in Class 712 subclass 40. Class 712 is defined as ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: PROCESSING ARCHITECTURES AND INSTRUCTION PROCESSING (E.G., PROCESSORS). Subclass 40 is defined as External sync or interrupt signal. The definition of 712, subclass 40 states "Subject matter wherein the processor receives a synchronization or interrupt signal from an outside source." This subclass would also be included in an exhaustive search of both inventions because receiving an interrupt signal from an outside source (peripheral or external device) is not a material distinction. Certainly, a competent search of invention I would encompass the subject matter of invention II, and *vice versa*. As a result, examining the claimed subject matter in its entirety is not an undue burden on the Examiner.

Applicants further contend that the Examiner has not met the burden of showing that the claimed inventions are materially distinct based on the arguments expressed above, citing particularly, independent claim 1 and independent claim 22 and the language contained therein. Claim 1 cites a method in a data processing system for managing interrupts using a set of interrupt servers associated with presentation controllers and claim 22 cites a computer program product in a computer readable medium for managing interrupts using a set of interrupt servers associated with presentation controllers. The two claims are not directed toward distinct inventions and will not place an undue burden on the Examiner in reviewing them. For the above reasons, Applicants respectfully request withdrawal of the restriction requirement.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 8/16/05

Respectfully submitted,



Brian D. Owens
Reg. No. 55,517
Agent for Applicant

Duke W. Yee
Reg. No. 34,285
Attorney for Applicant

Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777